IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT PETITION No. 10686 of 2002

Between:

Paper Clipping of Vartha Telugu Daily Newspaper City Edition, dt.5-6-2002,Publishing the News under the Caption,
"PASIKUNALA SAVALAPI PAISALA BAREM".

..... PETITIONER

AND

1.The Superintendent, Osmania General Hospital,
Afzalgunj, Hyderabad.
2.The Director of Medical and Health, Government of A.P.,
Hyderabad.
3.The Commissioner of Police, Twin Cities,
Hyderabad.
4.The Director General of Police, Government of A.P.,
Hyderabad.
5.The Vaidya Vidhana Parishad , Government of A.P.,
Hyderabad.
6.The Secretary to Government of A.P. Medical, Health & Family Welfare Department, Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the news item the High Court will be pleased to issue an Order, direction, or a Writ, more particularly one in the nature of Writ of Mandamus calling for the records and remarks from the respondents herein, in and connected to rampant corruption by some lower cadre staff of Osmania General Hospital, Hyderabad, from the road accident victims; 1) While shifting the dead bodies of the

children to the mortuary; 2) While taking the injured to the wards for treatment and to pass appropriate orders directing the concerned authorities to take stringent action against the corrupt lower cadre staff of Osmania General Hospital, Afzalgunj, Hyderabad in the interest of Justice and to pass such other and further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: TAKEN UP

Counsel for Respondent Nos. 1,2, 5 & 6.: G.P. for Medical,

Health & Family Welfare.

Counsel for Respondent Nos. 3 & 4: G.P. for Home.

The Court made the following :

ORAL ORDER:

(per Honourable Sri Devinder Gupta, the Chief Justice)

In Vartha Telugu Daily, on 5.6.2002, a news item appeared under the caption " Pasikunala Savalapi Paisala Barem", which was taken-up on judicial side as a Writ Petition. Notice was issued to respondents.

Affidavit-in-reply has not been filed by respondents. However, the draft of the affidavit by Dr. V.Ashok Kumar, Superintendent, Osmania General Hospital, Hyderabad has been shown to us. He states that after the news item appeared, enquiry was conducted in the matter by Dr. G.V.Sudhakar, Professor and Head of the Department of Plastic Surgery. Being sensitive incident and as the persons responsible then had either retired or being transferred from the institution, the Enquiry Officer could not complete the enquiry and submit his report on the incident in question. In the absence of non-availability of complete information with regard to the incident of 2002, detailed report cannot be furnished now. Therefore, the Superintendent prayed that appropriate guidelines be issued by the Court while disposing of the Writ Petition.

Since no details are now available, it is not possible to conclude the enquiry into the incident reported in the newspaper. Nothing prevents the Superintendent of

Osmania General Hospital, Hyderabad, or, the Director of Medical Education, to frame appropriate guidelines in the matter as to how dead bodies would be dealt with, or, what should be the procedure to be followed for return of the dead bodies. Respondents cannot depend upon the directions to be issued by the Court. Once an incident comes to their notice, which is found to be illegal and contrary to the normal behaviour, it will be for the authorities to come forward on their own and frame appropriate guidelines, as may be applicable to them, for their future conduct. As such, we dispose of this Writ Petition with direction to respondents to frame appropriate guidelines in the matter so that incidents of the nature, as referred to in the news item, do not occur in future, and, in case, such incidents do come to the notice of the authorities, appropriate machinery be provided to enquire into the matters and to take appropriate remedial measures. No costs.

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DEVINDER GUPTA, C.J.

24.1.2005.

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M.NARAYANA REDDY, J.

VR.

To

1.The Superintendent, Osmania General Hospital,
Afzalgunj, Hyderabad.
2.The Director of Medical and Health, Government of A.P.,
Hyderabad.
3.The Commissioner of Police, Twin Cities,
Hyderabad.
4.The Director General of Police, Government of A.P.,
Hyderabad.
5.The Vaidya Vidhana Parishad , Government of A.P.,
Hyderabad.

6.The Secretary to Government of A.P. Medical, Health & Family Welfare Department, Secretariat, Hyderabad.

7. Two CCs to Government Pleader for Medical, Health & Family Welfare, High Court Buildings, Hyderabad (OUT).

8. Two CCs to Government Pleader for Home, High Court Buildings, Hyderabad (OUT).

9. Two CD copies.

10.The Section-in-charge, Public Interest Litigation Cell (PIL),

c/o Special Officer's Section, High Court of A.P. Hyderabad.